

**The Department of Community Planning & Development**  
**City Hall, Lynchburg, VA 24504** **434-455-3900**

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**To:** Planning Commission

**From:** Planning Division

**Date:** August 25, 2004

**Re:** **CONDITIONAL USE PERMIT (CUP): Heritage Baptist Church, 229, 239, and 329 Breezewood Drive**

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**I. PETITIONER**

F. Gerald Kroll, Senior Pastor, Heritage Baptist Church, 219 Breezewood Drive, Lynchburg, VA 24502

**Representative:** James J. Vernon, Craddock Cunningham Architectural Partners, 10 Ninth Street, Lynchburg, VA 24504

**II. LOCATION**

The subject property is a tract of about 60.26 acres located at 219 Breezewood Drive.

**Property Owners:** Heritage Baptist Church, 219 Breezewood Drive, Lynchburg, VA 24502

**III. PURPOSE**

The purpose of this petition is to allow expansion of an existing parking lot.

**IV. SUMMARY**

- Petition agrees with the Comprehensive Plan which recommends Community Commercial land uses for this area. A church is compatible with this land use.
- Petition agrees with the Zoning Ordinance in that a church is permitted in an R-3, Single-Family Residential district, with City Council approval of a Conditional Use Permit.
- Petition proposes the expansion of an existing parking lot, with a stormwater detention pond.

**The Planning Division recommends approval of the CUP petition.**

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**V. FINDINGS OF FACT**

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends Community Commercial land use for this area, with an Institutional designation for the church. A church is compatible with Community Commercial land uses.
2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-3, Two-Family Residential, zoning was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed parking additions.
4. **Surrounding Area.** There have been 19 items requiring City Council approval in the immediate area. The first ten listed are for Heritage Baptist Church and the remaining nine are for other properties:

Heritage Baptist Church

5/10/83: The City Council approved a CUP for a tent revival.

5/14/85: The City Council approved a CUP for construction of an educational wing and offices.

12/8/87: The City Council approved a CUP for construction of a multipurpose building and additional parking.

7/10/90: The City Council approved a CUP for construction of a classroom building.

1/14/92: The City Council approved a CUP for installation and usage of a modular classroom unit and additional parking.

2/9/93: The City Council approved a CUP for expansion of the existing church complex.

10/12/93: The City Council approved a CUP for amendment of the master plan to allow two additional classroom trailers.

4/12/94: The City Council approved a CUP for amendment of the master plan to allow construction of additional classroom space.

5/12/98: The City Council approved a CUP to amend the master plan.

4/13/99: The City Council approved a CUP to amend the master plan.

#### Other Rezoning & CUPs in the Area

2/12/80: The City Council approved a CUP for the Church of God at 512 Breezewood Drive.

9/28/82: The City Council approved a CUP for construction of an auto service station at 2501 Lakeside Drive.

9/8/92: The City Council approved a CUP for to allow New Covenant Schools to use existing facilities for a school at 512 Breezewood Drive.

10/11/94: The City Council approved a rezoning from R-3 to B-1(C) to allow construction of a funeral home and parking at 220 Breezewood Drive.

6/9/98: The City Council approved a rezoning from R-4 to B-5(C) to allow expansion of an outdoor storage area for Southern Air at 2655 Lakeside Drive.

10/13/98: The City Council approved a CUP for construction of a single bay car wash at 2625 Lakeside Drive.

2/9/99: The City Council approved a series of rezonings from R-1 to R-3(C) and R-1 to R-4(C) to allow construction of a Planning Unit Development at 527 Breezewood Drive.

2/9/99: The City Council approved a CUP for construction of a Planned Unit Development at 527 Breezewood Drive.

4/25/2000: The City Council approved a rezoning from R-3 to R-4(C) to allow conversion of existing structures and construction of new apartment buildings at 310-324 Breezewood Drive and 100-104 Hartless Lane.

5. **Site Description.** The subject property is bounded to the north by commercial uses, to the east (across Breezewood Drive) by a funeral home and residences, to the south by residential uses, and to the west by residential and industrial uses.
6. **Proposed Use of Property.** The purpose of the CUP is to allow expansion of the existing parking lot to include an additional 170 spaces. The church currently has 424 spaces, plus 14 handicapped spaces.

7. **Traffic and Parking.** The City Traffic Engineer has determined that, due to the increased traffic from the parking lot, the church will be required to close permanently one of the driveways onto Breezewood Drive.
  8. **Storm Water Management.** A storm water management plan will be required for the use of the existing structure as a church, because disturbed areas will exceed 1,000 square feet. The City's Environmental Planner has expressed concern about the size and maintenance of such a large stormwater pond facility. At this time, he has insufficient information about how much impervious area will be created to advise the petitioner about alternatives to the proposed pond.
  9. **Impact.** The proposed parking lot expansion will be constructed as an extension of the existing parking lot. It will be screened from view on three sides, including Breezewood Drive, by a landscaped berm. The parking lot will also include shade trees.

The stormwater management detention pond is proposed to be constructed at the very edge of the church's property and adjacent to two single-family homes (to the east and south of the pond). The applicant has not indicated why the facility needs to be so large or why it will be located so close to another property. The City will require that the pond be screened with a vegetated buffer so that it is not visible from either home.
  10. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on June 22, 2004. Except for comments from the Environmental Planner relating to Stormwater Management (see #8 above) and the City Traffic Engineer relating to traffic (see #7 above), comments related to the proposed use were minor in nature and have been or will be addressed by the developer prior to final site plan approval.
  11. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary or appropriate in approving a CUP.
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## VI. PLANNING DIVISION RECOMMENDED MOTION

**Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of Heritage Baptist Church for a conditional use permit at 219, 239, and 329 Breezewood Drive for the expansion of an existing parking lot on a parcel zoned R-3, Two-Family Residential, subject to the following conditions:**

1. The property will be developed in substantial compliance with the site plan prepared by Hurt & Proffitt, Inc., dated June 28, 2004.
2. A subdivision plat will be submitted and approved vacating all interior lot lines.
3. The parking lot will be buffered with vegetation on three sides: east, south, and west. Cleared areas will be landscaped after the site is stabilized, with a mixture of deciduous and evergreen trees.
4. As requested by the City Traffic Engineer, the church will close one existing entrance to the parking lot.

- 5. Any lighting installed in the parking lot will be nondirectional and glare-shielded.**
- 6. The applicant will work with the Planning Division staff to reduce the size of the stormwater detention facility through the use of low impact development techniques.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP  
City Planner

pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Ms. Rachel O. Flynn, Director of Community Planning & Development  
Mr. Bruce A. McNabb, Director of Public Works  
Mr. R. Douglas Dejarnette, Fire Marshal  
Ms. Judith C. Wiegand, AICP, Senior Planner  
Mr. J. Lee Newland, Director of Engineering  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Robert Drane, Building Commissioner  
Mr. Arthur L. Tolley, Zoning Official  
Mr. Robert S. Fowler, Zoning Official  
Mr. Kent White, Environmental Planner  
Mr. James J. Vernon, Petitioner/Representative

## **VII. ATTACHMENTS**

- 1. Vicinity Zoning Pattern**  
(see attached map)
- 2. Vicinity Proposed Land Use**  
(see attached map)
- 3. Site Plan**  
(see attached site plans)